

REMARKS

In the Office Action mailed August 25, 2005, the Examiner noted that claims 1-21 were pending in the application. The Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claiming the subject matter which applicant regards as the invention. The Examiner rejected claims 1-5, 11, and 16-18 under 35 U.S.C. § 102(e) as being anticipated by Pirila et al. (hereinafter "Pirila"), U.S. Patent No. 6,674,860. The Examiner rejected claims 6-10, 12-15, and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Pirila in view of Havinis, et al. (hereinafter "Havinis"), U.S. Patent No. 6,216,007. In accordance with the foregoing, claims 1, 9, 16, and 17 have been amended. Claims 1-21 are pending and under consideration. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. This rejection is traversed and reconsideration is requested.

It is submitted that claim 9, as amended, meets the requirements of 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102(e)

On pages 2-7, item 4, of the Office Action, the Examiner rejects claims 1-5, 11, and 16-18 as being anticipated by Pirila. This rejection is respectfully traversed.

Independent claim 1, as amended, recites: "... wherein the position recording apparatus can decrypt the encrypted position information by using the decryption data only when the terminal sends decryption data to allow the position recording apparatus to decrypt the encrypted position information and the position recording apparatus receives the decryption data from the terminal."

The cited reference, Pirila, discloses that the base station sends a decryption key to the mobile station in addition to the encrypted location information of the base station. The mobile station calculates the location coordinates of the mobile station by using the decrypted location information and the observed time difference. The mobile station further can transfer the calculated location coordinates to the base station.

Pirila does not disclose a system wherein a position recording apparatus can only decrypt data sent from a terminal when decryption data has been sent to the position recording apparatus from the terminal. Instead, Pirila discloses a system where a base station holds and manages a decryption key used for decrypting data sent from a mobile station. Consequently, the base station can always decrypt location coordinates sent by the mobile station by using the decryption key.

As illustrated by embodiments of the present invention, the position recording apparatus (corresponding to the base station) can decrypt the encrypted position information sent from the terminal (corresponding to the mobile station), only when receiving the decryption data from the terminal. The decryption data is managed at the terminal side, not the position recording apparatus.

The position recording apparatus itself cannot decrypt the position information of a mobile body (a person) without permission of the mobile body. Therefore it is possible to manage the position information of the mobile body without infringing on the privacy of the mobile body. Furthermore, high-level security can be secured since the position recording apparatus itself cannot decrypt the position information without obtaining the encryption key from the mobile body. Pirila does not disclose the above-mentioned system and advantages or characteristics of the present invention.

Dependent claims 2-5, and 11 are depended upon claim 1, which for similar reasons, as described above for claim 1, should also be allowed over the prior art. In addition, claims 2-5 and 11 recite additional features not taught or suggested by the prior art, and it is submitted that claims 2-5 and 11 are independently patentable as well.

Independent claim 16, as amended, recites, "... wherein the terminal sends the decryption data to the position recording apparatus only when the terminal allows the position recording apparatus to decrypt the encrypted position information. " In view of the above remarks with respect to claim 1, claim 16 also should be allowed over the prior art for similar reasons.

Claim 17 is amended similarly to claim 1, and therefore, in view of the above remarks with respect to claim 1, should be allowed over the prior art for similar reasons.

Dependent claim 18 is depended upon claim 17, which for similar reasons, as described above for claims 1 and 17, should be allowed over the prior art. In addition, claim 18 recites additional features not taught or suggested by the prior art, and it is submitted that claim 18 is independently patentable as well.

REJECTION UNDER 35 U.S.C. § 103(a)

On pages 7-15, item 6, of the Office Action, claims 6-10, 12-15, and 19-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Pirila in view of Havinis et al. (hereinafter "Havinis"), U.S. Patent No. 6,216,007. This rejection is respectfully traversed.

A prima facie §103 rejection must both set forth a modification of a reference or references based on evidenced motivation and properly detailed that each and every claimed feature is disclosed but the same modified reference or references. Claims 6-10, and 12-15 depend upon claim 1, which recites " . . . wherein the position recording apparatus can decrypt the encrypted position information by using the decryption data only when the terminal sends decryption data to allow the position recording apparatus to decrypt the encrypted position information and the position recording apparatus receives the decryption data from the terminal." This feature is neither taught by Pirila nor Havinis.

As discussed above, Pirila does not disclose a system wherein a position recording apparatus can only decrypt data sent from a terminal when decryption data has been sent to the position recording apparatus from the terminal. Moreover, in the Office Action on pages 7, line 23, to 8, line 4, the Examiner recites that Havinis discloses a system wherein when a Positioning Measurement Module ("PMM") obtains positioning measurement information, this information is encrypted and sent to the Location Calculation Module ("PCM"), which then deciphers the encrypted information. The Examiner also cites therein that the PCM may then encrypt the information again with a ciphering algorithm before it is passed to either a transceiver ("TRX") unit within the mobile terminal for transmission to the network or a location application ("LA") internal to the mobile terminal. Havinis fails to teach or suggest a method or apparatus in which the PCM, TRX or LA requires permission from the sending unit (either the PMM or the PCM) before the encrypted information can be deciphered. It is respectfully submitted that a required prima facie §103 rejection of claims in the present application has not been presented in the outstanding Office Action

As such, it is respectfully submitted that the combination of Pirila and Havinis does not disclose or suggest a position recording apparatus "wherein the position recording apparatus can decrypt the encrypted position information by using the decryption data only when the terminal sends decryption data to allow the position recording apparatus to decrypt the encrypted position information and the position recording apparatus receives the decryption data from the terminal" as recited in claim 1. Therefore, it is respectfully submitted that, since the combination does not teach or suggest the invention recited in claim 1, the combination does not

- teach or suggest the invention recited in claims 6-10, and 12-15, which depend on claim 1.
- Additionally, it is respectfully submitted that, that since amended independent claim 17 contains
- similar features to amended independent claim 1 as described above, the combination does not
- teach or suggest the invention recited in claim 17. Therefore, it is respectfully submitted, that
- since combination does not teach or suggest the invention recited in claim 17, the combination
- does not teach or suggest the invention recited in claims 19-21, which depend on claim 17.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

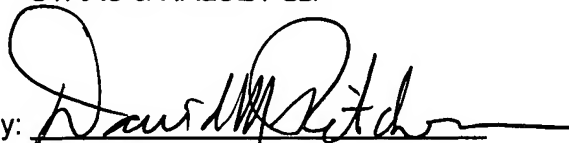
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 23, 2005

By:

A handwritten signature in black ink, appearing to read "David M. Pitcher", written over a horizontal line.

David M. Pitcher

Registration No. 22,010

1201 New York Avenue, NW
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501